



**MEMPHIS AND
SHELBY COUNTY** **DIVISION OF PLANNING
AND DEVELOPMENT**

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

**BOARD OF ADJUSTMENT CORRESPONDENCE APPLICATION
TO FILE ONLINE USE THE [DEVELOP 901 CITIZEN PORTAL](#)**

Date: _____

Previous Case/Docket #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip: _____

Property Owner Email Address: _____

Applicant: _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip: _____

Applicant Email Address: _____

Representative: _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip: _____

Representative Email Address: _____

Architect/Engineer/Surveyor: _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip: _____

Architect/Engineer/Surveyor Email Address: _____

PREMISES LOCATION (Describe by street address & directional location description, e.g. 200 Johnson Street, North side of Johnson Street, 100 feet east of Brown Street): _____

Parcel ID: _____

Project Name: _____

Project Description: _____

Did you have a pre-application meeting with the Division of Planning and Development (DPD)?

Planner: _____ **Date of Meeting:** _____

Describe the proposed modification(s): _____

Provide the justification for the requested modification(s): _____

Is this application in response to a citation, stop work order, or zoning letter? _____ (yes or no)
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information: _____

FOR VARIANCES, PROVIDE AN EXPLANATION TO THE FOLLOWING CRITERIA:

FINDINGS OF FACT (UDC Section 9.22.6)

The Board of Adjustment must make specific written findings of fact on each variance request. In granting any variance, the Board of Adjustment shall make the following findings:

A(1) Unusual characteristics of the property. The property is unusual in that it exhibits at least one of the following exceptional physical features as compared to other properties located in the same zoning district: exceptional topographic conditions, exceptional narrowness, exceptional shallowness, exceptional shape or any other extraordinary and exceptional situation or condition: _____

A(2) Practical difficulties or undue hardship. By reason of the unusual characteristics found to apply in Paragraph 1, the strict application of any regulation found in this Code would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property: _____

A(3) The unusual characteristic found to apply in Paragraph 1 is not the result from and deliberate action by the owner:

A(4) That a variance from the strict application of this Code may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of an adopted plan and this Code: _____

A(5) The requested variance will be in harmony with the purpose and intent of this development code and will not be injurious to the neighborhood or to the general welfare: _____

A(6) The variance is not granted simply because by granting the variance, the property could be utilized more profitably or that the applicant would save money: _____

*If requesting a **use variance**, respond the following point in addition to the six previous:*

B(1) In addition to the findings established for other variances in Sub-Section A, the Board of Adjustment shall also find that none of the uses permitted on the property are practical due to either the unusual characteristic found to apply, in Sub-Section A, Paragraph 1, or to any physical improvements made upon the property: _____

FOR TIME EXTENSIONS, PROVIDE AN EXPLANATION TO THE FOLLOWING CRITERIA:

The Board of Adjustment shall make the following findings in its approval, approval with conditions, or rejection of an extension:

- A. Changed conditions of the neighborhood and area in which the time extension is being made, as compared to conditions present during the original approval: _____

- B. Changed conditions of the site in which the request is being made, as compared to conditions present during the original approval: _____

- C. Any administrative or legislative policy, ordinance, regulation or comprehensive or neighborhood plan that has been adopted since the time of the original approval: _____

- D. The scope of construction, such as the size of the site or building, involved with the original approval: _____

BOARD OF ADJUSTMENT CORRESPONDENCE APPLICATION GUIDE

To file online use the Develop 901 Citizen Portal: www.aca-prod.accela.com/SHELBYCO/Default

GENERAL INFORMATION

UNIFIED DEVELOPMENT CODE (UDC) REFERENCES FOR CORRESPONDENCES:

- a) Time Extensions – UDC Chapter 9.16
- b) Variance – UDC Section 9.22.9
- c) Appeal of Administrative Decision – UDC Paragraph 9.23.1E(2)
- d) Conditional Use Permit – UDC Section 9.24.6
- e) Significant Neighborhood Structure Conditional Use Permit – UDC Section 9.24.6 and Sub-Section 9.24.9B
- f) Change in Nonconforming Use Permit – UDC Section 10.2.5

PRE-APPLICATION MEETING – This is a meeting in which the Division of Planning and Development Land Use and Development Services discusses the procedures, standards, and regulations required of a request in accordance with the Unified Development Code with the applicant(s) and/or their representative(s), see Section 9.3.1 of [Unified Development Code](#) for additional information. To schedule a pre-application meeting please call Land Use and Development Services at (901) 636-6619.

APPLICATION REVIEW PROCESS – [Click here](#) to view a flowchart that explains the review process by application type, as well as the expected review time for each.

APPLICATION DEADLINES – A link to the Applications Deadlines Calendar can be found on the Land Use and Development Services' [webpage](#).

APPLICATION ASSISTANCE – [Click here](#) to view a list of firms and individuals who frequently provide assistance with the filing of applications with the Division of Planning and Development.

FILING FEE(S) – See the [Fee Schedule](#). Make checks payable to “M/SC Division of Planning and Development”

POSTED NOTICE – Posting sign(s) may be required, refer to Sub-Sections 9.3.4A and 9.3.4C of the [Unified Development Code](#) for specific requirements. If posted notice is required, the sign [affidavit](#) and a photograph of each sign on the subject property are also mandatory. [Download](#) templates of the sign in a PowerPoint document. [Click here](#) for a list of companies that may be able to produce posted notice signs.

REQUIRED DOCUMENTS

As part of the application, the following documents are required to be submitted:

LETTER OF INTENT – A brief narrative statement generally describing the nature, location, and extent of the development and the market it is intended to serve.

SITE PLAN – In general, a drawing of the subject property drawn to an engineering scale, showing property boundary lines and dimensions, existing utilities and easements, roadways, rail lines and public rights-of-way, crossing and adjacent to the subject property; the proposed height, dimensions, and arrangements of buildings on the property; the type and location of proposed landscaping; the location of points of ingress to and egress (driveways), parking lots and loading areas on the site, any proposed substantial re-grading of the site and any significant topographical or physical features of the site including water courses or ponds; etc.

SURVEY – A stamped and sealed survey by a registered Land Surveyor or licensed Engineer of the subject property. For requests that do not involve new construction, the requirement for submitting a survey may be waived by the Division of Planning and Development.

ORIGINAL APPROVAL DOCUMENTS – The original case/docket approval records, e.g. notice of disposition, resolution, ordinance, recorded outline plan, recorded final plat, etc.

VICINITY MAP – Map showing the subject property (boldly outlined) and all adjacent parcel owners. Refer to Sub-Section 9.3.4A of the [Unified Development Code](#) for specific notification requirements. Note two hardcopy sets of sticky labels must be provided and shall be dropped off at Suite 477 in City Hall, 125 N Main Street, Memphis, TN 38103. [Public Notice Tool User Guide](#).

MAILING LABELS OF NAMES AND ADDRESSES – A complete list of names and mailing addresses, of all property owners shown on the vicinity map, typewritten, and formatted as 1" x 2 5/8" labels (Avery 5160). Additionally, include the application property owner of record, applicant, representative, and/or Architect/Engineer/Surveyor. [Public Notice Tool User Guide](#).

DEED(S) – Most recent deed(s) on file with [Shelby County Register of Deeds](#).

OWNER AFFIDAVIT – [Affidavit of ownership or owner designee](#).

Additional documents may be required prior to approval including, but not limited, to:

ELEVATIONS – Building elevations may be required upon request by the Division of Planning and Development. Factors that will be taken into consideration by the Division of Planning and Development in its determination that building elevations are required are surrounding land uses, frontage requirements, proximity of the requested building(s) to the public right-of-way, conditions, etc.

LANDSCAPE PLAN – A detailed diagram that includes the specific location and spacing of plant materials. All plant materials shall be identified in a planting schedule chart that indicates the symbol, quantity, common name, botanical name, and minimum size at planting—caliper and height.